REMARKS

Claims 1, 5, 16, 18 and 20-29 are amended. Claims 41 and 42 are new. Claims 1, 3-16, and 18-42 are pending. In view of the following remarks, Applicant respectfully requests the Office reconsider and withdraw its rejections and forward the application on to issuance.

Teleconference with Examiner

Applicant and Examiner Cao conducted a teleconference on December 27, 2006. During the teleconference, Applicant and Examiner discussed the references cited by the Office, the Office's position with respect to the subject claims and some claim modifications that would likely receive favorable treatment by the Office.

§ 101 Rejections

Claims 1, 3-16 and 18-27 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Specifically, the Office argues that these claims are not directed to a practical application. The Office then states that a "[p]ractical application can be provided by a physical transformation or a useful, concrete and tangible result as evidence of it being a practical application."

Applicant is confused as to the substance of this rejection because the claims and specification are replete with descriptions of useful, concrete and tangible results. In this regard, the Office is directed to the subject matter recited in the subject claims themselves. By way of example and not limitation, claim 1 recites "an application configured to handle requests submitted by remote devices

over a network" and "an application program interface to present functions used by the application to access network and computing resources of the distributed computing system..." In addition, and also by way of example and not limitation, the Office is directed to page 13 (line 6) through page 14 (line 17) of the specification which describes useful, concrete and tangible results associated with the claimed subject matter.

Applicant reminds the Office that it has the burden of setting forth a *prima facie* case of unpatentability. (see MPEP 2106 (IV)(C)). In view of the above discussion, the Office has not met this burden because it has failed to show that these claims present non-statutory subject matter under 35 U.S.C. § 101. Accordingly, for at least this reason, these claims are allowable.

Claims 1, 3-4, 16 and 18-27 also stand rejected under 35 U.S.C. § 101 because they allegedly "fail to include any physical articles or objects, and the 'network platform' in claims 16, 18-27 is software platform (see specification, page 5, lines 10-15)."

Applicant disagrees with the Office and submits that the proper test for whether claimed subject matter is statutory is not limited to whether it transforms an article or physical object. Instead, claimed subject matter is also statutory if it "otherwise produces a useful, concrete and tangible result." (MPEP 2106 (IV)(C)). In this regard, the Federal Circuit has explained, "[t]hus, the relevant inquiry under § 101 becomes – [i]s the idea being applied to achieve a useful end? (AT&T Corp. v. Excel Communications, Inc., 172 F.3d 1352, 1357 (1999)). "If so, then the § 101 threshold is satisfied." (Id.) As noted above, the subject claims and specification are replete with descriptions of useful, concrete and tangible results which achieve a useful end.

In addition, and as an aside, the excerpt of the subject application cited by the Office specifically states: "[t]he .NET™ platform is a software platform for Web services and Web applications implemented in the distributed computing environment." As such, the Office's rejection does not appear to be relevant to these claims.

Accordingly, the Office's rejection is misplaced and the Office has not met its burden of showing that these claims do not recite statutory subject matter under § 101. Therefore, for at least this reason, these claims are allowable.

Claims 5-14 stand rejected under 35 U.S.C. § 101 because the application programming interface is allegedly "an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, tangible result to form the basis of a statutory matter under 35 U.S.C. § 101."

Applicant disagrees with the Office and submits that, as noted above, the subject claims and specification are replete with descriptions of concrete, useful, tangible results. By way of example and not limitation, claim 5 recites "[a]n application program interface embodied on one or more computer readable, comprising: multiple types related to constructing user interfaces..." In addition, and also by way of example and not limitation, the Office is directed to page 13 (line 6) through page 14 (line 17) of the specification which describes useful, concrete and tangible results associated with the claimed subject matter.

Accordingly, the Office's rejection is misplaced and the Office has not met its burden of showing that these claims do not recite statutory subject matter under § 101. Therefore, for at least this reason, these claims are allowable.

Claims 5-14 also stand rejected under 35 U.S.C. § 101 because "the computer readable media, as defined by the specification includes communication media, such as data signal or carrier wave."

Applicant is confused as to which particular portion of the subject application the Office is referring to with respect to this rejection. Accordingly, Applicant respectfully requests that the Office specify which page and line number(s) it is relying on. Nevertheless, in the interest of advancing the prosecution of this matter, Applicant has amended claim 5 to recite "[a]n application program interface embodied on one or more <u>tangible</u> computer readable media..." Accordingly, for at least this reason, these claims are allowable.

§ 103 Rejections

Claims 1, 3-16, 18-40 stand rejected under 35 U.S.C. § 103(a) over a publication by Cohn et al. (hereinafter "Cohn") in view of a publication by Flanagan (hereinafter "Flanagan") and further in view of a publication by Microsoft (hereinafter "Microsoft").

The Claims

Claim 1, as amended, recites a software architecture for a distributed computing system comprising [added language in bold italics]:

- an application configured to handle requests submitted by remote devices over a network; and
- an application program interface to present functions used by the application to access network and computing resources of the distributed computing system, ***wherein calls to the application***

program interface are handed to a common language runtime layer that can translate Web applications written in different languages into an intermediate supported language, the application program interface comprising various types related to constructing user interfaces.

In making out the rejection of this claim, the Office relies on the teachings of Cohn and Flanagan and argues it would have been obvious to integrate the teachings of these references. The Office then relies on Microsoft as disclosing "delegates" and argues it would have been obvious to integrate the teachings of Cohn and Flanagan with Microsoft.

Applicant respectfully disagrees with the Office's argument. Nevertheless, in the interest of advancing the prosecution of this claim, Applicant has amended this claim to clarify that "calls to the application program interface are handed to a common language runtime layer that can translate Web applications written in different languages into an intermediate supported language". Support for this amendment can be found in the specification on page 10, line 2 through page 11, line 12 (among other places).

Neither Cohn nor Flanagan disclose or suggest any such feature. Hence, for at least this reason, this claim is allowable.

Claims 3-4 and 41 depend from claim 1 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 5, as amended [added language in bold italics], recites an application program interface embodied on one or more *tangible* computer

readable media, comprising: multiple types related to constructing user interfaces, the types comprising classes which represent managed heap allocated data that has reference assignment semantics, interfaces that define a contract that other types can implement, delegates that are object oriented function pointers, structures that represent static allocated data that has value assignment semantics and enumerations which are value types that represent named constants, *wherein the application program interface is associated with a common language runtime layer that can translate Web applications written in different languages into a intermediate language supported by the common runtime layer*.

In making out the rejection of this claim, the Office relies on the teachings of Cohn and Flanagan and argues it would have been obvious to integrate the teachings of these references. The Office then relies on Microsoft as disclosing "delegates" and argues it would have been obvious to integrate the teachings of Cohn and Flanagan with Microsoft.

Applicant respectfully disagrees with the Office's argument. Nevertheless, in the interest of advancing the prosecution of this claim, Applicant has amended this claim to clarify that "the application program interface is associated with a common language runtime layer that can translate Web applications written in different languages into a intermediate language supported by the common runtime layer". Support for this amendment can be found in the specification on page 10, line 2 through page 11, line 12 (among other places).

Neither Cohn nor Flanagan disclose or suggest any such feature. Hence, for at least this reason, this claim is allowable.

Claims 6-15 depend from claim 5 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 5, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 16, as amended, recites a distributed computer software architecture, comprising [added language in bold italics]:

- one or more applications configured to be executed on one or more computing devices, the applications handling requests submitted from remote computing devices;
- a networking platform to support the one or more applications;
- an application programming interface to interface the one or more applications with the networking platform, the application programming interface comprising various types related to constructing user interfaces; *and*
- *a common language runtime layer that can translate Web applications written in different languages into an intermediate language supported by the common runtime layer.*

In making out the rejection of this claim, the Office relies on the teachings of Cohn and Flanagan and argues it would have been obvious to integrate the teachings of these references. The Office then relies on Microsoft as disclosing "delegates" and argues it would have been obvious to integrate the teachings of Cohn and Flanagan with Microsoft.

Applicant respectfully disagrees with the Office's argument. Nevertheless, in the interest of advancing the prosecution of this claim, Applicant has amended this claim to include "a common language runtime layer that can translate Web applications written in different languages into an

intermediate language supported by the common runtime layer". Support for this amendment can be found in the specification on page 10, line 2 through page 11, line 12 (among other places).

Neither Cohn nor Flanagan disclose or suggest any such feature. Hence, for at least this reason, this claim is allowable.

Claims 18-27 and 42 depend from claim 16 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 16, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 28, as amended [added language in bold italics], recites a computer system including one or more microprocessors and one or more software programs, the one or more software programs utilizing an application program interface to request services from an operating system, the application program interface including separate commands to request services comprising services related to constructing user interfaces, wherein the application program interface groups API functions into multiple namespaces that define a collection of classes which represent managed heap allocated data that has reference assignment semantics, interfaces that define a contract that other types can implement, delegates that are object oriented function pointers, enumerations which are value types that represent named constants and structures that represent static allocated data that has value assignment semantics, *the application program interface being associated with a common language runtime layer that can translate Web applications written in different languages into an intermediate language supported by the common runtime layer*.

In making out the rejection of this claim, the Office relies on the teachings of Cohn and Flanagan and argues it would have been obvious to integrate the teachings of these references. The Office then relies on Microsoft as disclosing "delegates" and argues it would have been obvious to integrate the teachings of Cohn and Flanagan with Microsoft.

Applicant respectfully disagrees with the Office's argument. Nevertheless, in the interest of advancing the prosecution of this claim, Applicant has amended this claim to include "the application program interface being associated with a common language runtime layer that can translate Web applications written in different languages into an intermediate language supported by the common runtime layer". Support for this amendment can be found in the specification on page 10, line 2 through page 11, line 12 (among other places).

Neither Cohn nor Flanagan disclose or suggest any such feature. Hence, for at least this reason, this claim is allowable.

Claim 29, as amended, recites a method, comprising [added language in bold italics]:

- managing network and computing resources for a distributed computing system; and
- exposing a set of functions that enable developers to access the network and computing resources of the distributed computing system, the set of functions comprising functions to facilitate construction of user interfaces, wherein the functions are grouped into multiple namespaces that define a collection of classes which represent managed heap allocated data that has reference assignment semantics, interfaces that define a contract that other types can implement, delegates that are object oriented function

pointers, enumerations which are value types that represent named constants and structures that represent static allocated data that has value assignment semantics; *and*

- *using a common language runtime layer that can translate Web applications written in different languages into an intermediate language supported by the common runtime layer.*

In making out the rejection of this claim, the Office relies on the teachings of Cohn and Flanagan and argues it would have been obvious to integrate the teachings of these references. The Office then relies on Microsoft as disclosing "delegates" and argues it would have been obvious to integrate the teachings of Cohn and Flanagan with Microsoft.

Applicant respectfully disagrees with the Office's argument. Nevertheless, in the interest of advancing the prosecution of this claim, Applicant has amended this claim to include "using a common language runtime layer that can translate Web applications written in different languages into an intermediate language supported by the common runtime layer". Support for this amendment can be found in the specification on page 10, line 2 through page 11, line 12 (among other places).

Neither Cohn nor Flanagan disclose or suggest any such feature. Hence, for at least this reason, this claim is allowable.

Claim 30 depends from claim 29 and is allowable as depending from an allowable base claim. This claim is also allowable for its own recited features which, in combination with those recited in claim 30, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 31 recites a method, comprising creating a namespace with functions that enable drawing and construction of user interfaces, the name space defining classes which represent managed heap allocated data that has reference assignment semantics, interfaces that define a contract that other types can implement, delegates that are object oriented function pointers, structures that represent static allocated data that has value assignment semantics, and enumerations which are value types that represent named constants.

In making out the rejection of this claim, the Office simply indicates "see rejection of claim 5 above."

Applicant respectfully disagrees and traverses the Office's rejection. Specifically, Applicant submits that claim 5 does not expressly recite "creating a namespace", as claimed. Accordingly, it remains unclear what teachings of Cohn and/or Flanagan the Office is relying on for disclosing the subject matter of this claim. Nevertheless, Applicant has thoroughly reviewed the references and is unable to find any discussion of this subject matter.

Accordingly, in view of the above discussion, the Office has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claims 32-40 depend from claim 31 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 31, are neither disclosed nor suggested in the references of record, either singly or in combination with one another:

Conclusion

Applicant respectfully submits that the Office has failed to establish a *prima facie* case of obviousness for the reasons set forth above. Applicant respectfully requests a Notice of Allowability be issued forthwith.

Respectfully submitted,

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By: _____

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